

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Case No.: 22-72834-las

Shayla Azeem,

Chapter 13

Hon. Judge: Louis A. Scarcella

Debtor.

-----X

**OBJECTION TO CONFIRMATION OF PLAN**

**TO: THE HONORABLE LOUIS A. SCARCELLA  
UNITED STATES BANKRUPTCY JUDGE**

**PLEASE TAKE NOTICE** that Rushmore Loan Management Servicer, LLC as servicer for U.S Bank Trust National Association as Trustee of Tiki Series IV Trust (“Secured Creditor”), the holder of a mortgage on real property of the Debtor, by and through its undersigned attorneys, hereby objects to the confirmation of the Chapter 13 Plan on grounds including:

1. Secured Creditor is the holder of a Note and Mortgage dated July 13, 2006, in the original principal amount of \$600,000.00 with respect to debtor’s property located at 65 Casey Lane, Mount Sinai, NY 11766, as more fully set forth in Secured Creditor’s timely Proof of Claim, Claim No. 7-1.
2. Debtor’s plan fails to provide for the treatment of the claim of Secured Creditor. The objecting creditor is due arrears of \$214,181.94, as set forth in Claim No. 7-1. The plan fails to provide for the full outstanding arrears.

3. Debtor's proposed plan fails to list the correct post-petition payment amount. The objecting creditor is due post-petition payments in the amount of \$3,796.54 per month, as set forth in Claim No. 7-1, subject to routine future escrow changes. The plan fails to provide for the correct post-petition payment amount.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C §§ 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

Dated: December 21, 2022  
Garden City, New York

Respectfully submitted,

By: /s/ Katherine Heidbrink  
Katherine Heidbrink, Esq.  
Friedman Vartolo, LLP  
Attorneys for Secured Creditor  
1325 Franklin Avenue, Suite 160  
Garden City, NY 11530  
(P) 212.471.5100  
(F) 212.471.5150

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Case No.: 22-72834-las

Shayla Azeem,

Chapter 13

Hon. Judge: Louis A. Scarcella

Debtor.

-----X

I, Katherine Heidbrink, an attorney duly admitted to practice law before the District Courts of the State of New York, respectfully certify that I am not a party to this action, am over 18 years of age and reside in the State of New York. On December 21, 2022, I caused to be served the foregoing **Objection to Confirmation** by mailing the same in a sealed envelope, with postage paid thereon, in an official depository of the United States Post Office, addressed to the last known address of the addressee(s) as indicated below:

Shayla Azeem  
65 Case Lane  
Mount Sinai, NY 11766

Raymond W Verdi, Jr  
116 East Main Street  
Suite C  
Patchogue, NY 11772

Michael J. Macco  
2950 Express Drive South  
Suite 109  
Islandia, NY 11749

United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza - Room 560  
Central Islip, NY 11722-4437

/s/ Katherine Heidbrink